

JUN 17 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ZAKARIAH LAFRENIERE,

Plaintiff - Appellant,

v.

BOARD OF TRUSTEES OF THE  
CALIFORNIA STATE UNIVERSITY,

Defendant - Appellee.

No. 07-15563

D.C. No. CV-06-04475-JSW

MEMORANDUM \*

Appeal from the United States District Court  
for the Northern District of California  
Jeffrey S. White, District Judge, Presiding

Submitted June 9, 2008 \*\*

Before: REINHARDT, BERZON and M. SMITH, Circuit Judges.

Appellant Zakariah LaFreniere appeals pro se from the district court's  
judgment dismissing his 42 U.S.C. § 1983 action alleging the California State

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

University's use of taxpayer money to fund certain religious studies classes violates the Establishment Clause of the First Amendment and California's False Claims Act.

Appellee's motion to take judicial notice is denied as necessary because those documents are part of the record on appeal.

A review of the record and the opening brief indicates that the claims alleged in appellant's complaint are identical to those raised and rejected in *Lafreniere v. Regents of the Univ. of California*, No. 05-16474 (9th Cir. November 15, 2006) (affirming district court dismissal because appellant failed to allege facts supporting the conclusion that the course offerings at the University of California advanced a non-secular purpose, had the primary effect of advancing or inhibiting religion, and fostered an excessive government entanglement with religion).

We therefore grant appellee's motion for summary affirmance of the district court's judgment. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard).

**AFFIRMED.**